

**3906. Misbranding of "Father John's Medicine". U. S. v. 864 Bottles, 432 Bottles, 720 Bottles, 456 Bottles, 288 Bottles, 324 Bottles, 288 Bottles, and 720 Bottles of "Father John's Medicine." Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 4883, 4884, 4885, 4886. I. S. Nos. 1370-e 1371-e. S. No. 1570.)**

On December 20, 1912, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district eight libels for the seizure and condemnation of 36 cases, each containing 24 bottles; 36 cases, each containing 12 bottles; 36 cases, 24 of which contained 24 bottles, and 12 of which contained 12 bottles; 38 cases, each containing 12 bottles; 24 cases, each containing 12 bottles; 27 cases, each containing 12 bottles; 24 cases, each containing 12 bottles; and 36 cases, 24 of which contained 24 bottles and 12 of which contained 12 bottles; each of the bottles containing upwards of 4 ounces of "Father John's medicine;" remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on December 16, 11, 9, 18, 9, 9, 18, and 9, 1912, respectively, and transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in the libels that said drug was misbranded in that each of the bottles bore a label which bore a statement regarding the curative effect of such drug, which was false and fraudulent, in that said label as aforesaid bore a false and fraudulent statement in substance and to the effect that the said drug was a prompt and efficacious medicine for lung diseases and the usual attending conditions, including consumption coughs, colds, croup, asthma, bronchitis, sore throat, and whooping cough, whereas, in truth and in fact the said product was not a prompt and efficacious medicine for lung diseases and the usual attending conditions, including consumption, coughs, colds, croup, asthma, bronchitis, sore throat, and whooping cough. It was further alleged that the drug was misbranded in that said bottles containing it were contained in pasteboard packages, each of which pasteboard packages bore a false and fraudulent statement regarding the curative effects of said drug, which said false and fraudulent statement was in substance and to the effect that the said drug was without an equal as a body builder, health food, and for consumption, coughs, colds, croup, la grippe, pneumonia, whooping cough, bronchitis, asthma, night sweats, catarrh, rickets, thin blood, hoarseness, and weak voice, whereas, in truth and in fact, the said drug was not without an equal as a body builder, health food, and for consumption, coughs, colds, croup, la grippe, pneumonia, whooping cough, bronchitis, asthma, night sweats, catarrh, rickets, thin blood, hoarseness, and weak voice. It was further alleged that the drug was misbranded in that each of said pasteboard packages, containing the bottles of drug, contained a circular, which said circular contained, inter alia, false and fraudulent statements calculated and adapted to induce the reader of said circular to believe that said drug was a cure for consumption, whereas, in truth and in fact, it was not a cure for consumption.

On February 19, 1915, the consolidation of the eight cases having been ordered by the court, the claimant of the product having withdrawn its claims and answers and having filed claims only, the default of the claimant was pronounced and judgment of condemnation and forfeiture was entered, it being ordered by the court that the product should be delivered to Carleton & Hovey Co., Lowell, Mass., upon payment of all the costs of the proceedings and the execution of bond in the sum of \$5,000, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.